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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/624,345
Filing Date: July 22, 2003
Appellant(s): PETRAS ET AL.

Michael D. Volk Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 26, 2008 appealing from the Office action

mailed August 27, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

The appellant's statement of the status of amendments after last office action (non-final rejection, 8/27/2007) contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,477,504	Hamlin et al.	11/5/2002
6,029,192	Hill et al.	2/22/2000
6,405,175	Ng	6/11/2002
5,749,079	Yong et al.	5/5/1998
5,948,054	Nielsen	9/7/1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Objections

The phrases "such…" are recited in numerous places in the claims which makes the scope of the claims indeterminate either indefinite or lack of antecedent. It is suggested that "the…" or "said…" should be used.

Applicant is advised that should claim 48 be found allowable, claim 49 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 50 recites the limitation "to completing". It should be "for completing" or "to complete".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 45, 47-49, 52, 54-56, 58, 60-61, 63, 66, 68, 70, 72-74, 76, 78-79, 81, and 83 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term " **substantially** " recited in claims 45 and 66 is a relative term, which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention.

Claim 47 recites the limitations "***such population of users***", "***such management community***". There are insufficient antecedent basis for the limitations in the claim.

Claims 48-49 and 68 recite the limitations " ***such knowledge of users*** ", " ***such group of users*** ". There are insufficient antecedent basis for the limitations in the claims. It is unclear that it refers to "at least one group of users" as recited in claim 43 or "from the group consisting" recited in claim 44.

As per claims 52 and 70, the word "***if any***" renders the claims indefinite. It is unclear what happens when the "if" statement is not true, making the scope of the claim unascertainable.

Claims 54 and 72 recite the limitation " *such at least one user*". There is insufficient antecedent basis for the limitation in the claims.

Claims 54 recites the limitation "e)…. *such accumulated points*", "f)…with *accumulated points*". It is not clear if it is a new instance of "accumulated points" or a reference to the original accumulated points thus lacks antecedent basis.

Claims 55 and 73 recite the limitations " *such computer software*", " *such at least one user* ". There are insufficient antecedent basis for the limitations in the claims.

Claims 56 and 74 recite the limitations " *such at least one item*", " *such involved subset of such population of users* ". There are insufficient antecedent basis for the limitation in the claims.

Claims 58 and 76 recite the limitations " *such set of performance goals* ", " *such population of users* *,* and "*such reward system* ". There are insufficient antecedent basis for the limitations in the claims.

Claims 60 and 78 recite the limitations " *such at least one user* ", " *such at least one pre-determined category* ". There are insufficient antecedent basis for the limitations in the claims.

Claims 61 and 79 recite the limitation " *such pre-determined information* ". There is insufficient antecedent basis for the limitation in the claims.

Claims 63 and 81 recite the limitation " *such at least one user* ". There is insufficient antecedent basis for the limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 35-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamlin et al.

(US Patent 6,477,504, hereinafter Hamlin).

As to claim 35, Hamlin discloses **an Internet website client-server computer system**

(Fig. 2A), for use to determine by e-mail survey a level of subject approval for each one of a

population of survey participants by capturing each such participant's opinions about the

degree of relevance of each of a respective set of natural language terms to each of a

respective set of subjects (abstract, col. 1, lines 57-64, col. 10, lines 16-20, automating surveys

over a network system causes an interface to be displayed to a particular client of the network

system, fielding the survey to a group of target users on the network system, networks including

the Internet, e-mail and the World Wide Web, for example, in certain embodiments the survey

data is provided to the client as a comma separated value file (CSVF) that is attached to an e-

mail message and sent over the network system to the specified email addressee), comprising:

a) **a client interface system** (abstract, Figs. 2A, 4, col. 2, lines 54-64, an interface to be

displayed to a particular client) **arranged so that a survey taker may indicate at least i) a**

defined question for the survey (Fig. 4, example of questions), **ii) a such set of subjects to be evaluated** (Fig. 4, a set of questions), **iii) a such set of natural-language terms to be rated as to relevancy to each subject** (col. 7, lines 51-61, col. 8, lines 25-34, presented with appropriate responses relevant to the selected question type. For example, in selecting the response button 308 for the response type "Agreement," the client is presented with the following default responses: (i) Strongly Agree (ii) Agree (iii) Neither Agree nor Disagree (iv) Disagree (v) Strongly Disagree (vi) Don't Know), **iv) a participant audience** (Fig. 2A, col. 6, lines 56-58, col. 9, lines 36-49, a target group of network users or respondents for fielding the survey) , **and v) a time-frame for response** (col. 6, lines 56-58, timeframe for their response);

      b) a server computer processor system connected with said client interface system (Figs. 1, 2A); and

      c) a server computer software system, operational with said server computer processor system, arranged to provide survey processing (Figs. 1, 2A, survey conductor server 254) **comprising i) compiling a survey file and survey document in accordance with survey taker input** (Fig. 2B, 3, col. 7, lines 19-61, col. 9, lines 28-31) , **ii) communicating such survey document to such participant audience** (col. 10, lines 10-23, a survey is fielded to a particular target group), **and iii) receiving and tabulating responses** (Fig. 8, col. 5, lines 47-48, col. 10, lines 11-23, the gathered results are automatically processed, analyzed, and data and charts that reflect the survey results are sent to the client).

As to claim 36, Hamlin discloses the system according to claim 35 further comprising displaying survey results at a publicized URL (col. 10, lines 27-29, real-time survey data is posted on a site connected to the network system that is accessible by the client).

Claims 43-45, 48-49, 52, and 56-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Hill et al. (US Patent 6,029,192, hereinafter Hill).

As to claim 43, Hill discloses **an Internet client-server system** (Fig. 15 and associated texts) **for assisting at least one group of users having at least one common goal to capture and search, in a single database, offered knowledge, relevant to such at least one common goal, of a plurality of such users for the benefit of at least one of such users** (abstract, Fig. 11, people helping one another know stuff, col. 12, lines 1-12, builds the database efficiently and economically, automatically searching large quantities of free electronic messages. By capturing the wealth of expertise and experience pertaining to resources available on a network and making that expertise and experience available to users), **comprising**:

a) individually capturing for such database at least one experience of at least some of such plurality (Fig. 3, 31, col. 5, lines 1-26, col. 12, lines 1-12, <u>capturing the wealth of expertise</u> and experience pertaining to resources available on a network and making that expertise and experience available to users);

b) storing in such database such experience (Fig. 3, 33, col. 2, line 61 to col. 3, line 9, col. 5, lines 1-26, evaluation information is any information pertaining to an evaluation, including comments by a user , the identity of the user, the date the comments were posted by the user, etc, the evaluation information is <u>stored in a database 33</u>);

c) **user-searching, using at least one natural-language word, to select at least one desired kind of stored experience** (Figs. 8, 8A, col. 2, lines 25-28, col. 3, line 56 to col. 4, line 14, col. 9, line 33-67, user's search string, such as "dylan", "snake", provide the raw material for generating a new kind of searchable index of network resources that could point a user towards resources that have been recognized and discussed by other users, for example, provides the user with the option of submitting a more direct search for evaluated resources in a particular newsgroup 817);

d) **performing such user-searching** (Figs. 8A, 9, 10, col. 9, line 36-67, the database is searched for relevant evaluated resources); and

e) **presenting search results** (Figs. 8A, 823, 824, Fig. 11 and associated texts).

As to claim 44, Hill discloses the Internet client-server system according to claim 43 further comprising searchably capturing for such database at least one item of such knowledge selected from the group consisting essentially of a) user-advice b) opinions of experts c) people who can help d) miscellaneous such knowledge of users (posted message, user evaluation, FAQ, col. 3, lines 41-51, col. 5, lines 1-8, col. 9, lines 7-9).

As to claim 45, Hill discloses the Internet client-server system according to claim 43 further comprising a substantially automatic website management system (Figs. 8-12, and associated texts).

As to claim 48, Hill discloses the Internet client-server system according to claim 43 further comprising searchably capturing for such database such knowledge of users concerning useful knowledge sources outside such group of users (newsgroups related to particular areas, col. 3, lines 34-36).

As to claim 49, Hill discloses the Internet client-server system according to claim 44 further comprising searchably capturing for such database such knowledge of users concerning useful knowledge sources outside such group of users (newsgroups related to particular areas, col. 3, lines 34-36).

As to claim 52, Hill discloses the Internet client-server system according to claim 43 wherein such step of user-searching, using at least one natural-language word, to select at least one desired kind of stored knowledge, further comprises: a) selecting, if any, such at least one kind of stored experience associated with chosen such at least one natural language word; b) selecting, if any, such at least one kind of stored experience in which the text of such at least one stored experience contains the chosen such at least one natural-language word; c) selecting, if any, such at least one kind of stored experience in which the category of such at least one stored experience contains the chosen such at least one natural-language word; and d) selecting, if any, such at least one kind of stored experience in which the title of such at least one stored experience contains the chosen such at least one natural-language word (Figs. 8, 8A and associated texts, col. 8, lines 45-59).

As to claim 56, Hill discloses the Internet client-server system according to claim 43

further comprising: a) rating the relative overall value of each such at least one item of such

experience according to the opinion of each of such involved subset of such population of users;

b) collecting comments about each at least one item of such experience according to the opinion

of each of such involved subset of such population of users; and c) associating, in such database,

respective such ratings of relative overall value and respective such collected comments with

respective such at least one item of such experience (col. 9, lines 44-56, Fig. 11 and associated

texts)

As to claim 57, Hill discloses the Internet client-server system according to claim 43

further comprising automatically accumulating system operation data (col. 2, lines 61-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims

was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

out the inventor and invention dates of each claim that was not commonly owned at the time

a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 46-47, 50-51, 53-55, and 58-59 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hill in view of Ng (US Patent 6,405,175).

As to claim 46, Hill discloses the Internet client-server system according to claim 45 but

does not explicitly disclose automatically rewarding assisting users for website management

assistance.

Ng discloses a rewards database contains account records for users including a reward

count for each user. A reward module is coupled to the rewards database. It is activated when the

searcher views information in the target record. The reward module increases a reward count for

the rewarded user when the searcher views the information in the target record submitted by the

rewarded user (col. 3, lines 28-34).

It would have been obvious to one ordinary skill in the Internet data processing art at the

time of the invention, having the teachings of the cited references, to include reward system for

the user that submitted information to attract user providing product reviews ad consumer

comments and opinions add to the usefulness of the overall Internet (col. 2, lines 49-63, Ng.).

As to claim 47, Hill discloses the Internet client-server system according to claim 45 further comprising: a) providing a software management system to directly manage such database and such population of users essentially without outside management (col. 2, lines 61-65); and b) providing for variables in such software management system to be configurable without affecting such direct management operations (newsgroup tree, Figs. 8, 9); c) wherein such software management system comprises i) measuring management efforts of each of at least one management sub-community (col. 9, lines 22-24), ii) setting goals for each of such management community (Fig. 9 and associated texts), and iii) managing a reward system to reward management efforts of each of such management sub-community.

Although Hill substantially teaches the claimed invention, Hill is silent on iii) managing a reward system to reward management efforts of each of such management sub-community.

Ng discloses a rewards database contains account records for users including a reward count for each user. A reward module is coupled to the rewards database. It is activated when the searcher views information in the target record. The reward module increases a reward count for the rewarded user when the searcher views the information in the target record submitted by the rewarded user (col. 3, lines 28-34).

It would have been obvious to one ordinary skill in the Internet data processing art at the time of the invention, having the teachings of the cited references, to include reward system for the user that submitted information to attract user providing product reviews ad consumer comments and opinions add to the usefulness of the overall Internet (col. 2, lines 49-63, Ng.).

As to claims 50 and 51, Hill and Ng disclose the Internet client-server system, further

comprising a) providing at least one capability for at least one user to complete on-line at least

one multiple choice poll (Ng, col. 18, lines 50-51); and b) providing at least one reward for such

at least one user to completing such at least one multiple choice poll (Ng, col. 7, lines 65-67) and

wherein: a) such common goal is sales-oriented,; b) such group of users comprises sales

personnel; and c) those receiving such benefit comprise sales personnel (Ng, col. 2, lines 38-43).

As to claim 53, recites similar limitations as discussed in claim 46 above and is therefore

rejected along the same rationale.

As to claim 54, Hill and Ng disclose the Internet client-server system according to claim

53, further comprising: a) automatically measuring and storing each experience contribution,

including users' comments made by each such at least one user (Ng, Fig. 3, Fig. 4, 67 and

associated texts); b) assigning points to be accumulated for each such experience contribution

(Ng, Fig. 5 and associated texts); c) automatically accumulating assigned points for each such

experience contribution by each such at least one user (Ng, col. 3, lines 35-40); d) automatically

reporting such points accumulated for each such experience contribution (Ng, col. 1,lines 17-18);

e) defining at least one criteria for awarding prizes based on such accumulated points (Ng, col. 9,

lines 23-29); and f) automatically awarding prizes to such at least one user with accumulated

points meeting such at least one criteria (Ng, col. 9, lines 23-29).

As to claim 55, Hill discloses the Internet client-server system according to claim 45 further comprising a) managing such database and such group of users essentially without customer website management (col. 2, lines 61-65); b) permitting at least one customer to configure a plurality of variables in such computer software for such managing of such database (newsgroup tree, Figs. 8, 9); c) automatically setting goals for each such user participating in at least one management community (Fig. 9 and associated texts); and d) automatically managing a reward system to reward management efforts of each of such at least one user of such at least one management community.

Although Hill substantially teaches the claimed invention, Hill is silent on d) automatically managing a reward system to reward management efforts of each of such at least one user of such at least one management community.

Ng discloses a rewards database contains account records for users including a reward count for each user. A reward module is coupled to the rewards database. It is activated when the searcher views information in the target record. The reward module increases a reward count for the rewarded user when the searcher views the information in the target record submitted by the rewarded user (col. 3, lines 28-34).

It would have been obvious to one ordinary skill in the Internet data processing art at the time of the invention, having the teachings of the cited references, to include reward system for the user that submitted information to attract user providing product reviews ad consumer comments and opinions add to the usefulness of the overall Internet (col. 2, lines 49-63, Ng.).

As to claim 58, Hill discloses the Internet client-server system according to claim 57 wherein such system operation data comprises: a) data about compliance with such set of performance goals for each of at least one involved subset of such population of users (col. 3, lines 7-19); b) data about each type of such stored experience (col. 1, lines 52-57); c) data about such reward system; and d) data about interviews of each of such involved subset of such population of users (Fig. 4 and associated texts).

Although Hill substantially teaches the claimed invention, Hill is silent on c) data about such reward system.

Ng discloses a rewards database contains account records for users including a reward count for each user (Fig. 2, 44).

It would have been obvious to one ordinary skill in the Internet data processing art at the time of the invention, having the teachings of the cited references, to include reward system for the user that submitted information to attract user providing product reviews ad consumer comments and opinions add to the usefulness of the overall Internet (col. 2, lines 49-63, Ng.).

As to claim 59, Hill discloses the Internet client-server system according to claim 58 further comprising permitting such at least one user to view successively more detailed levels of such automatically accumulated system operation data (Figs. 8, 9 and associated texts).

Claims 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill in view of Yong et al. (US Patent 5,749,079, hereinafter "Yong").

As to claim 60, Hill discloses the Internet client-server system according to claim 43

further comprising: a) requesting installation of at least one independent database access module

onto the personal computer of such at least one user; b) permitting selection, using such

independent database access module, of at least one category of such knowledge for display by

such at least one user (Fig. 9 and associated texts); c) automatically searching, using such at least

one independent database access module, such database, without need of a browser, for at least

one selected category of such knowledge from such database (Fig. 8a and associated texts); and

d) displaying, using such at least one independent database access module, found knowledge

from such at least one pre-determined category of such knowledge from such database to such at

least one user (Fig. 11 and associated texts).

Although Hill substantially teaches the claimed invention, Hill is silent on a) requesting

installation of at least one independent database access module onto the personal computer of

such at least one user and c) automatically searching without need of a browser.

However, Yong discloses adding a module called a database connectivity driver (such as

ODBC) specific to the DBMS to seamlessly link the end-user query facility to these applications

to enhance their query capability while still allowing the linking of these applications to the

DBMS of the users' choice using a database connectivity driver specific to that DBMS (col. 39,

line 33 to col. 40, line 17).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Hill's disclosure to include database connectivity interface as taught by

Yong for the purpose of dynamic accessing database (col. 40, lines 32-42, Yong). The skilled

artisan would have been motivated to improve the invention of Hill per the above so that the end-user query facility can be linked to the DBMS of the user's choice (col. 40, lines 6-10, Yong).

As to claim 61, Hill discloses the Internet client-server system according to claim 60 further comprising: a) displaying continuously at least one selected type of such pre-determined information from at least one pre-determined category of such knowledge from such knowledge stored in such database to such at least one user (Figs. 2, 8A and associated texts); and b) scrolling a display of at least one selected type of such pre-determined information from at least one pre-determined category of such knowledge from such knowledge stored in such database to such at least one user (Figs. 9, 10 and associated texts).

As to claim 62, Hill discloses the Internet client-server system according to claim 61 further comprising: a) making specific requests for information from information stored in such database by such at least one user (Fig. 8A and associated texts).

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill in view of Nielsen (US Patent 5,948,054).

As to claim 63, Hill discloses the Internet client-server system according to claim 43 further comprising: a) receiving at least one request for information from such at least one user (Fig. 8A, 820 and associated texts); b) storing such at least one request for information; c) notifying designated other such at least one user with particular expertise about such at least one

request for information (col. 9, lines 29-32); d) storing such at least one request for information

and at least one response by such at least one user with particular expertise as such at least one

experience; and e) notifying such at least one user, requesting information, of such at least one

experience containing such at least one request and such at least one response.

Although Hill substantially teaches the claimed invention, Hill is silent on b) storing such

at least one request for information (Nielsen, Fig. 3 and associated texts), d) storing such at least

one request for information and at least one response by such at least one user with particular

expertise as such at least one experience (Nielsen, Fig. 10B, 1009, 1011 and associated texts);

and e) notifying such at least one user, requesting information, of such at least one experience

containing such at least one request and such at least one response (Nielsen, Fig. 11 and

associated texts).

Nielsen discloses sending an information request to the server via the customer computer.

The request includes a question that the customer wishes to have answered. In response, the

server determines which one or ones of the consultants is qualified to provide the requested

information. The server then solicits the requested information from one or more of the qualified

consultants and provides an answer to the customer (abstract).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Hill's disclosure to match customers with questions to qualified consultants

as taught by Nielsen for the purpose of soliciting the requested information from one or more of

the qualified consultants (abstract, Nielsen). The skilled artisan would have been motivated to

improve the invention of Hill per the above such that questions can be answered in a cost

effective way through the web (col. 1, lines 36-39, Nielsen).

Claims 64-85 have the same subject matter as of claims above and essentially rejected for the same reasons as discussed above.

For clarification purpose, detailed claim analysis for claim 64-85 are provided based on the similar claims rejection that have been addressed above. For the additional claim limitations, such as "interface means", "database means", processor means", and "computer means" have been addressed in the independent claim 43 above, as well as claim 64, (see Hill, Fig. 15, evaluation server 1501 comprises a processor 1502, computer readable memory 1503, a port to be coupled to a network 1504, a port adapted to be coupled to a database 1505, all interconnected by a data bus 1506. The evaluation server 1501 is coupled to a network 1507 with the network port 1504 is connected to a database 1506).

As to claim 64 (same as claim 43), Hill discloses **an Internet client-server system** (Fig. 15 and associated texts) **for assisting at least one group of users having at least one common goal to capture and search, in a single database, offered knowledge, relevant to such at least one common goal, of a plurality of such users for the benefit of at least one of such users** (abstract, Fig. 11, people helping one another know stuff, col. 12, lines 1-12, builds the database efficiently and economically, automatically searching large quantities of free electronic messages. By capturing the wealth of expertise and experience pertaining to resources available on a network and making that expertise and experience available to users), **comprising:**

a) interface means for individually capturing for such database at least one experience of at least some of such plurality (Fig. 3, 31, col. 5, lines 1-26, col. 12, lines 1-12,

capturing the wealth of expertise and experience pertaining to resources available on a network and making that expertise and experience available to users);

b) database means for storing in [such database] such experience (Fig. 3, 33, col. 2, line 61 to col. 3, line 9, col. 5, lines 1-26, evaluation information is any information pertaining to an evaluation, including comments by a user , the identity of the user, the date the comments were posted by the user, etc, the evaluation information is stored in a database 33);

c) interface means for user-searching, using at least one natural-language word, to select at least one desired kind of stored experience (Figs. 8, 8A, col. 2, lines 25-28, col. 3, line 56 to col. 4, line 14, col. 9, line 33-67, user's search string, such as "dylan", "snake", provide the raw material for generating a new kind of searchable index of network resources that could point a user towards resources that have been recognized and discussed by other users, for example, provides the user with the option of submitting a more direct search for evaluated resources in a particular newsgroup 817);

d) processor means for performing such user-searching (Figs. 8A, 9, 10, col. 9, line 36-67, the database is searched for relevant evaluated resources); and

e) interface means for presenting search results (Figs. 8A, 823, 824, Fig. 11 and associated texts).

As to claim 65 (same as claim 44), Hill discloses the Internet client-server system according to claim 64 further comprising computer means for searchably capturing for such database at least one item of such knowledge selected from the group consisting essentially of a) user-advice b) opinions of experts c) people who can help d) miscellaneous such knowledge of

users (posted message, user evaluation, FAQ, col. 3, lines 41-51, col. 5, lines 1-8, col. 9, lines 7-9).

As to claim 66 (same as claim 45), Hill discloses the Internet client-server system according to claim 65 further comprising computer means for substantially automatic website management system (Figs. 8-12, and associated texts).

As to claim 67 (same as claim 46), Hill discloses the Internet client-server system according to claim 65 but does not explicitly disclose automatically rewarding assisting users for website management assistance.

Ng discloses a rewards database contains account records for users including a reward count for each user. A reward module is coupled to the rewards database. It is activated when the searcher views information in the target record. The reward module increases a reward count for the rewarded user when the searcher views the information in the target record submitted by the rewarded user (col. 3, lines 28-34).

It would have been obvious to one ordinary skill in the Internet data processing art at the time of the invention, having the teachings of the cited references, to include reward system for the user that submitted information to attract user providing product reviews ad consumer comments and opinions add to the usefulness of the overall Internet (col. 2, lines 49-63, Ng.).

As to claim 68 (same as claim 48), Hill discloses the Internet client-server system according to claim 65 further comprising computer means for searchably capturing for such

database such knowledge of users concerning useful knowledge sources outside such group of

users (newsgroups related to particular areas, col. 3, lines 34-36).

As to claim 69 (same as claim 50), Hill discloses the Internet client-server system

according to claim 65 further comprising computer means for providing at least one capability

for at least one user to automatically take a desired survey among a selected subgroup of such

users (Ng, col. 18, lines 50-51, col. 7, lines 65-67)

As to claim 70 (same as claim 52), Hill discloses the Internet client-server system

according to claim 66 wherein such step of user-searching, using at least one natural-language

word, to select at least one desired kind of stored knowledge, further comprises: a) computer

means for selecting, if any, such at least one kind of stored experience associated with chosen

such at least one natural language word; b) computer means for selecting, if any, such at least

one kind of stored experience in which the text of such at least one stored experience contains

the chosen such at least one natural-language word; c) computer means for selecting, if any, such

at least one kind of stored experience in which the category of such at least one stored experience

contains the chosen such at least one natural-language word; and d) computer means for

selecting, if any, such at least one kind of stored experience in which the title of such at least one

stored experience contains the chosen such at least one natural-language word (Figs. 8, 8A and

associated texts, col. 8, lines 45-59).

As to claim 71 (same as claim 53), recites similar limitations as discussed in claim 66

above and is therefore rejected along the same rationale.

As to claim 72 (same as claim 54), Hill and Ng disclose the Internet client-server system

according to claim 71, further comprising: a) computer means for automatically measuring and

storing each experience contribution, including users' comments made by each such at least one

user (Ng, Fig. 3, Fig. 4, 67 and associated texts); b) computer means for assigning points to be

accumulated for each such experience contribution (Ng, Fig. 5 and associated texts); c) computer

means for automatically accumulating assigned points for each such experience contribution by

each such at least one user (Ng, col. 3, lines 35-40); d) computer means for automatically

reporting such points accumulated for each such experience contribution (Ng, col. 1,lines 17-18);

e) computer means for defining at least one criteria for awarding prizes based on such

accumulated points (Ng, col. 9, lines 23-29); and f) computer means for automatically awarding

prizes to such at least one user with accumulated points meeting such at least one criteria (Ng,

col. 9, lines 23-29).

As to claim 73 (same as claim 55), Hill discloses the Internet client-server system

according to claim 65 further comprising a) computer means for managing such database and

such group of users essentially without customer website management (col. 2, lines 61-65); b)

computer means for permitting at least one customer to configure a plurality of variables in such

computer software for such managing of such database (newsgroup tree, Figs. 8, 9); c) computer

means for automatically setting goals for each such user participating in at least one management

community (Fig. 9 and associated texts); and d) computer means for automatically managing a

reward system to reward management efforts of each of such at least one user of such at least one

management community.

Although Hill substantially teaches the claimed invention, Hill is silent on d)

automatically managing a reward system to reward management efforts of each of such at least

one user of such at least one management community.

Ng discloses a rewards database contains account records for users including a reward

count for each user. A reward module is coupled to the rewards database. It is activated when the

searcher views information in the target record. The reward module increases a reward count for

the rewarded user when the searcher views the information in the target record submitted by the

rewarded user (col. 3, lines 28-34).

It would have been obvious to one ordinary skill in the Internet data processing art at the

time of the invention, having the teachings of the cited references, to include reward system for

the user that submitted information to attract user providing product reviews ad consumer

comments and opinions add to the usefulness of the overall Internet (col. 2, lines 49-63, Ng.).

As to claim 74 (same as claim 56), Hill discloses the Internet client-server system

according to claim 66 further comprising: a) computer means for rating the relative overall value

of each such at least one item of such experience according to the opinion of each of such

involved subset of such population of users; b) computer means for collecting comments about

each at least one item of such experience according to the opinion of each of such involved

subset of such population of users; and c) computer means for associating, in such database,

respective such ratings of relative overall value and respective such collected comments with

respective such at least one item of such experience (col. 9, lines 44-56, Fig. 11 and associated

texts)

As to claim 75 (same as claim 57), Hill discloses the Internet client-server system

according to claim 66 further comprising computer means for automatically accumulating

system operation data (col. 2, lines 61-65).

As to claim 76 (same as claim 58), Hill discloses the Internet client-server system

according to claim 75 wherein such system operation data comprises: a) data about compliance

with such set of performance goals for each of at least one involved subset of such population of

users (col. 3, lines 7-19); b) data about each type of such stored experience (col. 1, lines 52-57);

c) data about such reward system; and d) data about interviews of each of such involved subset

of such population of users (Fig. 4 and associated texts).

Although Hill substantially teaches the claimed invention, Hill is silent on c) data about

such reward system.

Ng discloses a rewards database contains account records for users including a reward

count for each user (Fig. 2, 44).

It would have been obvious to one ordinary skill in the Internet data processing art at the

time of the invention, having the teachings of the cited references, to include reward system for

the user that submitted information to attract user providing product reviews ad consumer

comments and opinions add to the usefulness of the overall Internet (col. 2, lines 49-63, Ng.).

As to claim 77 (same as claim 59), Hill discloses the Internet client-server system according to claim 76 further comprising computer means for permitting such at least one user to view successively more detailed levels of such automatically accumulated system operation data (Figs. 8, 9 and associated texts).

As to claim 78 (same as claim 60), Hill discloses the Internet client-server system according to claim 64 further comprising: a) computer means for requesting installation of at least one independent database access module onto the personal computer of such at least one user; b) computer means for permitting selection, using such independent database access module, of at least one category of such knowledge for display by such at least one user (Fig. 9 and associated texts); c) computer means for automatically searching, using such at least one independent database access module, such database, without need of a browser, for at least one selected category of such knowledge from such database (Fig. 8a and associated texts); and d) computer means for displaying, using such at least one independent database access module, found knowledge from such at least one pre-determined category of such knowledge from such database to such at least one user (Fig. 11 and associated texts).

Although Hill substantially teaches the claimed invention, Hill is silent on a) requesting installation of at least one independent database access module onto the personal computer of such at least one user and c) automatically searching without need of a browser.

However, Yong discloses adding a module called a database connectivity driver (such as ODBC) specific to the DBMS to seamlessly link the end-user query facility to these applications

to enhance their query capability while still allowing the linking of these applications to the

DBMS of the users' choice using a database connectivity driver specific to that DBMS (col. 39,

line 33 to col. 40, line 17).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Hill's disclosure to include database connectivity interface as taught by

Yong for the purpose of dynamic accessing database (col. 40, lines 32-42, Yong). The skilled

artisan would have been motivated to improve the invention of Hill per the above so that the end-

user query facility can be linked to the DBMS of the user's choice (col. 40, lines 6-10, Yong).

As to claim 79 (same as claim 61), Hill discloses the Internet client-server system

according to claim 78 further comprising: a) computer means for displaying continuously at least

one selected type of such pre-determined information from at least one pre-determined category

of such knowledge from such knowledge stored in such database to such at least one user (Figs.

2, 8A and associated texts); and b) computer means for scrolling a display of at least one selected

type of such pre-determined information from at least one pre-determined category of such

knowledge from such knowledge stored in such database to such at least one user (Figs. 9, 10

and associated texts).

As to claim 80 (same as claim 62), Hill discloses the Internet client-server system

according to claim 79 further comprising: a) computer means for making specific requests for

information from information stored in such database by such at least one user (Fig. 8A and

associated texts).

As to claim 81(same as claim 63), Hill discloses the Internet client-server system according to claim 66 further comprising: a) computer means for receiving at least one request for information from such at least one user (Fig. 8A, 820 and associated texts); b) computer means for storing such at least one request for information; c) computer means for notifying designated other such at least one user with particular expertise about such at least one request for information (col. 9, lines 29-32); d) computer means for storing such at least one request for information and at least one response by such at least one user with particular expertise as such at least one experience; and e) computer means for notifying such at least one user, requesting information, of such at least one experience containing such at least one request and such at least one response.

Although Hill substantially teaches the claimed invention, Hill is silent on b) storing such at least one request for information (Nielsen, Fig. 3 and associated texts), d) storing such at least one request for information and at least one response by such at least one user with particular expertise as such at least one experience (Nielsen, Fig. 10B, 1009, 1011 and associated texts); and e) notifying such at least one user, requesting information, of such at least one experience containing such at least one request and such at least one response (Nielsen, Fig. 11 and associated texts).

Nielsen discloses sending an information request to the server via the customer computer. The request includes a question that the customer wishes to have answered. In response, the server determines which one or ones of the consultants is qualified to provide the requested

information. The server then solicits the requested information from one or more of the qualified

consultants and provides an answer to the customer (abstract).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Hill's disclosure to match customers with questions to qualified consultants

as taught by Nielsen for the purpose of soliciting the requested information from one or more of

the qualified consultants (abstract, Nielsen). The skilled artisan would have been motivated to

improve the invention of Hill per the above such that questions can be answered in a cost

effective way through the web (col. 1, lines 36-39, Nielsen).

As to claims 82-85 (same as claims 50 and 51), Hill and Ng disclose the Internet client-

server system, further comprising a) providing at least one capability for at least one user to

complete on-line at least one multiple choice poll (Ng, col. 18, lines 50-51); and b) providing at

least one reward for such at least one user to completing such at least one multiple choice poll

(Ng, col. 7, lines 65-67) and wherein: a) such common goal is sales-oriented,; b) such group of

users comprises sales personnel; and c) those receiving such benefit comprise sales personnel

(Ng, col. 2, lines 38-43).

(10) Response to Argument

This Examiner's Answer will address the arguments in the order in which they appear in

the appeal brief.

Argument (1) : The §112 Rejection of claims 45, 47.49, 52, 54-56, 58, 60, 61, 63, 66,

68, 70, 72-74, 76, 78, 79, 81, and 83

1) Appellant argues that claims 45 and 66 are not indefinite because in Appellant's

specification, starting at page 98, line 32, explains that a "key feature" of an embodiment of the

invention is that "the Website essentially does not require Management by a

Developer/Operator/Site Manager and that the software of the Website performs management

functions substantially automatically." It is clear from the specification that the terms

"substantially automatic website management system" and "substantially-automatic website

managing" refer to a website that does not require ongoing management. In this case,

"substantially automatic" management means that the software itself performs all (or nearly all)

management functions without direct Developer/Operator/Site Manager involvement.

The Examiner respectfully disagrees.

First, the claim language as written does not provide any definition or explanation what

constitutes "website management system".

Second, the Examiner would like to point out that "essentially" and "substantially" cited

by Appellant are relative terms and does not provide a standard for ascertaining the requisite

degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the

invention, such as to what degree of management requirement for Developer/Operator/Site

Manager is qualified as "automatic website management system". If the language of a claim,

considered as a whole in light of the specification and given its broadest reasonable

interpretation, is such that a person of ordinary skill in the relevant art would read it with more

than one reasonable interpretation then a rejection of the claim under 35 U.S.C. 112 second

paragraph is appropriate, see MPEP 2173.05(a); see also MPEP 2143.03 subsection I and

2173.06.

　　　　2) Appellant further argues that claims 52 and 70 are not indefinite merely because a

condition is set forth for performing it.

　　　　The Examiner respectfully disagrees.

　　　　Claims 52 and 70 recite nothing more than four "selecting, if any, such at least…

"limitations. As admitted by Appellant that when a "if any" condition is not met , nothing will be

selected (see Appeal Brief, page A11, Accordingly, this step would only be done if there are <u>any</u>

stored experiences associated with chosen such at least one natural language word). Therefore,

the claim language as written would not perform any acts or generate any results when <u>all of the</u>

<u>four</u> "if nay" conditions (i.e. steps a-d) are not met. As such, it is unclear what are the metes and

bounds of the claims, thereby rendering the scope of the claim(s) unascertainable.

　　　　For the above reasons, it is believed that the 112 Rejection should be sustained.

　　　　Argument (2) : The §102(e) rejection of claims 35 and 36

　　　　1) Appellant argues that Hamlin fails to disclose any survey involving "a such set of

subjects to be evaluated" and "a such set of natural- language terms to be rated as to relevancy to

each survey", as recited in Claim 35.

　　　　The Examiner respectfully disagrees.

First, Hamlin discloses a method and apparatus for automatic the conduct of surveys over

a network system and these data will often help predict if potential customers will be interested

in acquiring the product or service or how they may react to a given strategy or tactic (col. 1,

lines 7-18). The survey contains a set of subjects to be evaluated such as "the flavor of

toothpaste that is most liked by kids between the ages of six and thirteen" (col. 1, lines 47-49), "

Reading, Sleeping, Working, Exercising" (col. 8, lines 25-34).

Second, in response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that in the rejected claim recites "a such set of

natural- language terms to be rated as to relevancy to each **subject**" instead of "a such set of

natural- language terms to be rated as to relevancy to each **survey**" as argued. It should be noted

that "subject" and "survey" are not the same within the content of the claimed invention.

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

Furthermore, Hamlin teaches "a such set of natural- language terms to be rated as to

relevancy to each subject" by providing appropriate responses <u>relevant</u> to the selected question

type. For example, in selecting the response button 308 for the response type "Agreement," the

client is presented with the following default responses: (i) Strongly Agree (ii) Agree (iii)

Neither Agree nor Disagree (iv) Disagree (v) Strongly Disagree (vi) Don't Know (col. 7, lines

51-61, col. 8, lines 9-34). It should be noted that "Strongly Agree", "Agree", "Neither Agree nor

Disagree", "Disagree", "Strongly Disagree" are all natural- language terms to be rated as to

relevancy to each subject.

2) Appellant further argues that Hamlin fails to disclose the subject matter of Claim 36

which calls for displaying survey results at a publicized URL.

The Examiner respectfully disagrees.

Hamlin discloses that the real-time survey data is then posted at a particular site on the

network that can be accessed by the client. This allows the client to obtain survey data while the

survey is still being fielded to users of the network system. It is well known that the location

(site) on the network is described by a Universal Resource Locator (URL) and the site is made

known to the client reads on "a publicized URL" (see Wordnet, publicized: adjective, made

known).

<u>Argument (3) : The §102(e) rejection of claims 43-45, 48, 49, 52, 56, and 57</u>

1) Appellant argues Hill does not disclose storing in any database user <u>experiences </u>or

user-searching, using at least one natural-language word, to select at least one desired kind of

stored <u>experience</u>.

The Examiner respectfully disagrees.

First, Hill discloses storing evaluation information [experience] in a database as

"evaluation information is any information pertaining to an evaluation, including <u>comments</u> by a

user , the identity of the user, the date the comments were posted by the user, etc, the evaluation

information is <u>stored in a database 33"</u> (Fig. 3, 33, col. 2, line 61 to col. 3, line 9, col. 5, lines 1-

26).

Second, Hill discloses that the stored evaluation information is searchable to make

expertise and experience available to others as "an invention builds the database efficiently and

economically, automatically searching large quantities of free electronic messages. By capturing

the wealth of expertise and experience pertaining to resources available on a network and making

that expertise and experience available to users" (col. 12, lines 1-12). For example, as shown in

Fig. 13, the search result shown there are two messages about "Rocky Mountain National Park",

here, the author praises the resource as part of the Estes Park Convention and Visitor's Bureau's

efforts to "go to great lengths to be helpful." The author further provides a toll-free telephone

number 1307 that the user can advantageously call for more information, and the URLs of two

other resources 1308 that supplement and complement the information available from the

resource selected by the user 1001.

2) Appellant further argues that Hill also fails to disclose one or more features of the

dependent claims. For example, Claims 48 and 49 set forth the feature of searchably capturing

for such database such knowledge of users concerning useful knowledge sources outside such

group of users.

The Examiner respectfully disagrees.

Hill clearly discloses there are different newsgroups related to particular areas (col. 3,

lines 34-41, an informal organization of servers that host newsgroups related to particular areas

of interest. The topic of each newsgroup is indicated by its name. For example, newsgroups

beginning with "rec" concern hobbies and other recreational activities. Increasing detail is

provided by address segments to the right of the category. Thus, rec.music.folk provides a forum

for users to post messages regarding folk music. The newsgroup topic appears in every message

posted to the newsgroup, and provides thematic information for every message. The newsgroup

functions as an electronic public bulletin board, on which users sequentially post messages

visible to all on the topic of the group.).

Argument (4) : The §103(a) rejection of claims 46, 47, 50, 51, 53-55, 58, and 59

The arguments of Rejection under USC 103 are directed to the similar argument of

Rejection under USC 102, which has been addressed above (Refer to Argument (3)).

Argument (5) : The §103(a) rejection of claims 60-62

The arguments of Rejection under USC 103 are directed to the similar argument of

Rejection under USC 102, which has been addressed above (Refer to Argument (3)).

Argument (6) : The §103(a) rejection of claim 63

The arguments of Rejection under USC 103 are directed to the similar argument of

Rejection under USC 102, which has been addressed above (Refer to Argument (3)).

Argument (7) : The rejection of claims 64-85

1) Appellant argues Claims 64-85 have not been properly examined because a "means or

step plus function" limitation in a claim as limited to the corresponding structure, materials or

acts described in the specification.

The Examiner respectfully disagrees.

The Examiner would like to remind that a claim limitation invokes 35 USC 112, sixth

paragraph only when the claim limitation meets the 3-prong analysis set forth in MPEP 2181. If

the 3-prong analysis is not met or there is no disclosure (or insufficient disclosure) of structure,

material, or acts for performing the claimed function, the claim limitation is not invoking 35

USC 112 sixth paragraph. For clarification purpose, claim analysis for claim 64-85 is provided

as the claims with similar limitations.

Thus, for the above reasons, it is believed that the rejection as anticipatory or obvious

based on the referenced prior arts is proper and should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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September 16, 2008

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